

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JAMIE EASTERLING

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV38-A-A

ASHLEY FURNITURE INDUSTRIES, INC.;
ET AL

DEFENDANTS

REPORT AND RECOMMENDATION

This case is before the court *sua sponte*. On January 2, 2008, this court granted the motion of plaintiff's counsel to withdraw as counsel for the plaintiff in this case. Pursuant to that Order the court granted plaintiff twenty days to retain new counsel or to advise the court in writing that she wished to proceed *pro se*. To date, plaintiff has failed to inform the court of her intentions with regard to self-representation or obtaining new counsel and there has been no entry of appearance of new counsel on plaintiff's behalf.

On May 15, 2008, the undersigned issued an Order requiring that the plaintiff submit a written statement as to why she has failed to comply with the court's order. This written show cause statement was to be filed on or before May 27, 2008. The plaintiff was warned that her "failure to file such written statement will result in sanctions, including but not limited to dismissal of this case." Docket 37. As of this date plaintiff has not filed any statement with the court or otherwise complied with the order.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a case may be

dismissed “[f]or failure of the plaintiff to prosecute or to comply with these rules or any order of court. . . .” Given the stagnant nature of this case, plaintiff’s failure to comply with numerous court orders, and failure to contact the court the court recommends that this case should be dismissed without prejudice pursuant to Rule 41(b).

The parties are referred to 28 U.S.C. §636(b)(1)(B) and FED. R. CIV. P. 72(b) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten (10) days of this date and “a party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within 10 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*) (citations omitted).

Respectfully submitted, .

THIS, the 16th day of June, 2008.

 /s/ S. ALLAN ALEXANDER
S. ALLAN ALEXANDER
UNITED STATES MAGISTRATE JUDGE